

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005-3807

Tel +1 202 626 3600  
Fax +1 202 639 9355  
whitecase.com

Direct Dial + (202) 626-3643 ccurran@whitecase.com

June 5, 2015

VIA UPS

The Honorable Loretta E. Lynch  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

Re: Notice Pursuant to 28 U.S.C. § 1715 of Proposed Settlement in *In re: Cathode Ray Tube (CRT) Antitrust Litigation*

---

Dear Madam Attorney General:

I represent Toshiba Corporation, Toshiba America, Inc., Toshiba America Electronic Components, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Information Systems, Inc. (collectively “the Toshiba Defendants”) in the matter *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, Case No. 3:07-5944 SC, pending in the United States District Court for the Northern District of California before the Honorable Judge Samuel Conti.

In compliance with the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, the Toshiba Defendants hereby serve upon you notice of a proposed settlement in this matter with the Indirect Purchaser Class. The enclosed compact disk contains Attachments A-K referenced below.

**28 U.S.C. § 1715(b)(1): Complaints and Amended Complaints**

Pursuant to 28 U.S.C. § 1715(b)(1), the Toshiba Defendants attach the following complaints:

1. The Indirect Purchaser Plaintiffs’ Consolidated Amended Complaint (Dkt. No. 437, filed March 16, 2009) (Attachment A);

June 5, 2015

2. The Indirect Purchaser Plaintiffs' Second Consolidated Amended Complaint (Dkt. No. 716, filed May 10, 2010) (Attachment B);
3. The Indirect Purchaser Plaintiffs' Third Consolidated Amended Complaint (Dkt. No. 827, filed on December 11, 2010) (Attachment C); and
4. The Indirect Purchaser Plaintiffs' Fourth Consolidated Amended Complaint (Dkt. No. 1526, filed on January 10, 2013) (Attachment D).

**28 U.S.C. § 1715(b)(2): Notice of Hearing**

Pursuant to 28 U.S.C. § 1715(b)(2), the Toshiba Defendants provide notice that a hearing to consider the Indirect Purchaser Plaintiffs' Motion for Preliminary Approval of Class Action Settlements (the "Motion for Preliminary Approval") is scheduled for July 31, 2015, at 10:00 a.m. PDT before the Honorable Samuel Conti, United States District Judge for the Northern District of California, in Courtroom One, 17<sup>th</sup> Floor, located at 450 Golden Gate Avenue, San Francisco, California (Attachment E).

**28 U.S.C. § 1715(b)(3)(A)-(B): Proposed Notifications to Class Members**

The Motion for Preliminary Approval includes both a "Detailed" notice and "Summary" notice that inform class members how to exercise their right to request exclusion from this class action. The proposed notices are attached as Exhibits B and C to the Declaration of Joseph M. Fisher re: Notice Program (the "Fisher Declaration") (Attachment F). The Motion for Preliminary Approval describes the proposed notice plan submitted by the Indirect Purchaser Class for notifying the classes of the proposed settlement. Notice will be given by print media, broadcast media, online media, and other media. The proposed notice plan is described in more detail in the Fisher Declaration.

**28 U.S.C. § 1715(b)(4): Proposed Settlement**

A complete copy of the Toshiba Defendants' proposed settlement with the Indirect Purchaser Plaintiffs is attached as Exhibit D to the Declaration of Mario N. Alioto in Support of the Motion for Preliminary Approval (Attachment G).

**28 U.S.C. § 1715(b)(5): Other Contemporaneous Agreements**

No agreements other than the Toshiba Defendants' proposed settlement with the Indirect Purchaser Plaintiffs were contemporaneously made between counsel for the Toshiba Defendants and counsel for the Indirect Purchaser Plaintiffs.

**28 U.S.C. § 1715(b)(6): Final Judgments**

As of the date of this Notice, there has been no final judgment or notice of dismissal related to the Toshiba Defendants proposed settlement with the Indirect Purchaser Plaintiffs.



June 5, 2015

However, the following final judgments and/or notices of dismissal have been filed in this action:

1. Final Judgment of Dismissal with Prejudice as to Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn Bhd. (Dkt. No. 1106, filed on March 22, 2012) (Attachment H);
2. Stipulation of Dismissal and Order Re: Toshiba America, Inc. (Dkt. No. 1311, filed on August 10, 2012) (Attachment I);
3. Stipulation and Order of Dismissal of Defendants Samsung Electronics Company, Ltd. and Samsung Electronics America, Inc. (Dkt. No. 1596, filed on March 13, 2013) (Attachment J); and
4. Final Judgment of Dismissal with Prejudice as to LG Electronics Inc.; LG Electronics USA, Inc.; and LG Electronics Taiwan Taipei Co., Ltd. (Dkt. No. 2543, filed on April 18, 2014) (Attachment K).

**28 U.S.C. § 1715(b)(7)(A) and (b)(7)(B): Class Member Names, States of Residence, and Estimated Proportionate Shares**

CAFA requires the Toshiba Defendants to provide “if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official.” If that is not feasible, the Toshiba Defendants must provide “a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.” It is not feasible for the Toshiba Defendants to identify the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement. Nor is it feasible to provide a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; nevertheless, the Toshiba Defendants provide the following estimate of the proportionate share of the settlement for potential class members by their state of residence, based on available figures reported by the U.S. Census Bureau. The class period encompasses the period of 1995 to 2007. For comparison purposes, the table below incorporates population data from both the 2000 and 2010 U.S. Census. See <http://www.census.gov>.

**Estimate of Each State’s Potential Class Members’ Proportionate Share of the Proposed Settlement Based on Population Figures Reported by the U.S. Census Bureau**

State	Estimated Proportionate Share Based on 2000 U.S. Census Data	Estimated Proportionate Share Based on 2010 U.S. Census Data
Arizona	3.98%	4.52%
California	26.30%	26.37%
District of Columbia	0.44%	0.43%

June 5, 2015

Florida	12.41%	13.31%
Hawaii	0.94%	0.96%
Iowa	2.27%	2.16%
Kansas	2.09%	2.02%
Maine	0.99%	0.94%
Michigan	7.72%	7.00%
Minnesota	3.82%	3.75%
Mississippi	2.21%	2.10%
Nebraska	1.33%	1.29%
Nevada	1.55%	1.91%
New Mexico	1.41%	1.46%
New York	14.74%	13.72%
North Carolina	6.25%	6.75%
North Dakota	0.50%	0.48%
South Dakota	0.59%	0.58%
Tennessee	4.42%	4.49%
Vermont	0.47%	0.44%
West Virginia	1.40%	1.31%
Wisconsin	4.16%	4.03%

**28 U.S.C. § 1718(b)(8): Judicial Opinions**

There are no written judicial opinions issued in this action relating to the materials described in 28 U.S.C. §§ 1715(b)(3) through (b)(6).

I trust that you find this Notice appropriate and complete. If you have any questions, please do not hesitate to contact me.

Sincerely,



Christopher M. Curran

Enclosure